

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

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JACKIE CARTER

Petitioner,

ORDER

v.

3:07-cv-00713-bbc

MATHEW FRANKS, D.O.C. Secretary,
WILLIAM I. POLLARD, Warden, PETER
I. ERICKSEN, Security Director, LT. MARK W.
LESATZ, Property Supervisor, LT. CATHARINE
CAFE, Hearing Officer, KEVIN R. POSTL,
Property and Mail Sergeant, TIMOTHY HUCK,
Mail and Property Sergeant, WILLIAM
SWIEKATOWSKI, Segregation P.A. Program
Supervisor, MARK STOTLEEN, Hearing Officer,
DONNA LIEBERGEN, Complaint Examiner,
MICHAEL MOHR, Complaint Examiner,
KATHLEEN BIERKE, Complaint Examiner,
MICHAEL BAENEN, Deputy Warden, RICK
RAEMISCH, Complaint Examiner, JOHN RAY,
Complaint Examiner, SARA COOPER, Unit
Manager (of Segregation Unit), C.O.
BUTTERFIELD, C.O. LISCHBA, C.O. KELM,
C.O. BOBOLZ, C.O. POTTS, SGT. KAPHINGST,
SGT. MS. LAMBRECHT-STEVENSON, C.O. TILOT,
C.O. KLARKOWSKI, KATHY LEMENS, Nurse,
JEANNANNE GREENWOOD, Health Service
Manager, CAPT. JEFFREY STELLINGS, Hearing
Officer, JACK DORUFF, Educational Director,
MARK KULIEKE, Librarian, JUDY DINSE,
Secretary, MS LAGARE, Psychologist, MR.
SCHMIDT, Psychiatrist, RICHARD HEIDORN,

M.D./Physician, JODENE PERTTU, JEAN LUTSEY, Segregation Nurse, JAMIE WERTEL, Medical Program Assistant (M.P.A.), ROBERT MCQUEENY, Psychiatrist, JAMES RICHTER, Psychiatrist, JAMES GREER, Bureau of Health Services Director, CYNTHIA THORPE, Bureau of Health Services (Nurse Coordinator), C.O. CARRIERE, (Segregation Sergeant), C.O. PETERSON, DIANE LONGSINE, MARILYN VANDUKENTER, Nurse, MARK S. ZEMONICK, Segregation Social Worker, JODY PORTER, Segregation PA, C.O. LADE, C.O. COOPMAN, NURSE DANA TOWNSEND, GREGORY GRAMS, Warden, PHIL KINGSTON, Warden and MARC CLEMENTS, Security Director,

Respondents.

In an order entered in this case on January 2, 2008, I told petitioner that before I could consider his request to proceed in forma pauperis he would have to submit a trust fund account statement covering the six-month period preceding the filing of his complaint so that I could assess an initial partial payment of the \$350 fee for filing this case. Petitioner has submitted the requested statement. From the statement, I have calculated petitioner's initial partial payment to be \$14.73.

In a letter dated January 20, 2008, petitioner asks that the court allow him to pay the \$350 fee for filing this case from his release account. Petitioner may use funds from his release account only to pay the initial partial filing fee, and even this is not required if he has sufficient funds in his regular account to pay the initial partial payment. The request will

be denied for the reasons expressed in Carter v. Bennett, 399 F. Supp.2d 936 (W.D. Wis. 2005).

ORDER

IT IS ORDERED that

1. Petitioner's request to use his release account to pay the \$350 fee for filing this case is DENIED.
 2. Petitioner is assessed \$14.73 as an initial partial payment of the \$350 filing fee. He is to submit a check or money order made payable to the clerk of court in the amount of \$14.73 on or before February 20, 2008. If, by February 20, 2008, petitioner fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.
- Entered this 31st day of January, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge